

Applicants provisionally elect Group II, Claims 16-23 and 84-90, acylated cyclodextrin inclusion complexes, with traverse. Applicants request that the restriction requirement be reconsidered because the Examiner has not shown that a serious burden would be required to examine all the claims. M.P.E.P § 803 provides:

If the search and examination of an application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. (Emphasis added.)

Thus, for a restriction to be proper, the Examiner must satisfy the following two criteria: (1) the existence of independent and distinct inventions (35 U.S.C. § 121); and (2) that the search and examination of the entire application cannot be made without serious burden. See M.P.E.P § 803.

The Examiner has not shown that the second requirement has been met. Specifically, the Examiner has not shown that it would be a serious burden to search and examine all of the groups together. Consequently, reconsideration and modification or withdrawal of the restriction is requested.

Additionally, Applicants select the pharmaceutically active guest molecule species of Group II to begin the search. This selection is with traverse for the reasons discussed herein.

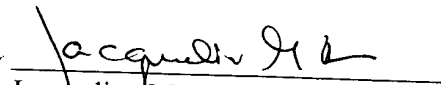
Applicants await an action on the merits.

ATTORNEY DOCKET NO. 05015.0366U3
SERIAL NO. 09/843,037

The Commissioner is hereby authorized to charge any fees which may be required to
Deposit Account No. 14-0629.

Respectfully submitted,

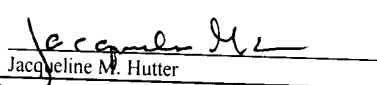
NEEDLE & ROSENBERG, P.C.


Jacqueline M. Hutter
Registration No. 44,792

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
Phone (404) 688-0770
Facsimile (404) 688-9880

CERTIFICATE OF MAILING

I hereby certify that this ELECTION UNDER RESTRICTION REQUIREMENT is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.


Jacqueline M. Hutter

3/18/03
Date